

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

CLOSED

POWER HOME REMODELING GROUP,
LLC

Plaintiff,

v.

POWER DREAM HOUSE REMODELING
LLC

Defendant.

Civil Action No. 2:15-CV-07730-ES-MAH

ORDER GRANTING PLAINTIFF
POWER HOME REMODELING
GROUP, LLC'S MOTION FOR ENTRY
OF DEFAULT JUDGMENT PURSUANT
TO FRCP 55(b)(2) AND INJUNCTIVE
RELIEF

AND NOW this 14th day of April, 2016, upon consideration of

the Motion of Plaintiff Home Remodeling Group, LLC for the Entry of Default Judgment and Injunctive Relief, any opposition thereto, and for good cause shown, it is hereby Ordered that Plaintiff's Motion is Granted.

It is further Ordered that Defendant, its agents, servants, employees, representatives, attorneys, successors, and assigns, and all other persons, firms or corporations acting in concert, privity or participation with them are permanently restrained and enjoined from:

- (a) Using Plaintiff's name or trademarks or any name or trademark confusingly similar thereto, including but not limited to e.g., any name or mark incorporating the formative "POWER," in connection with goods and services not originating with Plaintiff;
- (b) Advertising, marketing, promoting, offering or rendering any goods or services or related goods or services using Plaintiff's name or trademarks or any confusingly similar variations thereof, including but not limited to e.g., any name or mark incorporating the formative "POWER;"
- (c) Using, in connection with the advertising, marketing, promotion, offering or rendering of any goods or services, any false designation, description or representation stating or implying that Plaintiff is the origin of, or connected with, any of the goods or services offered by Defendant;

- (d) Passing off or inducing or enabling others to offer or render any pass-off goods or services, not originating from or sponsored by Plaintiff, as the goods and services of Plaintiff; and
- (e) Otherwise infringing upon Plaintiff's name and trademarks or competing unfairly with Plaintiff or injuring Plaintiff's business reputation;

It is further Ordered that Defendant is to deliver up for destruction all infringing materials bearing Plaintiff's name or trademarks or any name or mark confusingly similar thereto, including but not limited to, print and electronic promotional literature, advertisements, marketing materials, brochures, signage, business cards, letterhead, and like materials, as set forth in Section 36 of the Lanham Act, 15 U.S.C. § 1118; or in N.J.S.A. 56:3-13.16.

It is further Ordered that Defendant, its agents, servants, employees, attorneys, and related companies and all persons acting for, with, by, through, or under it, with notice of the Court's Order, to be effectuated by Defendant by personal service, electronic mail, or otherwise, from:

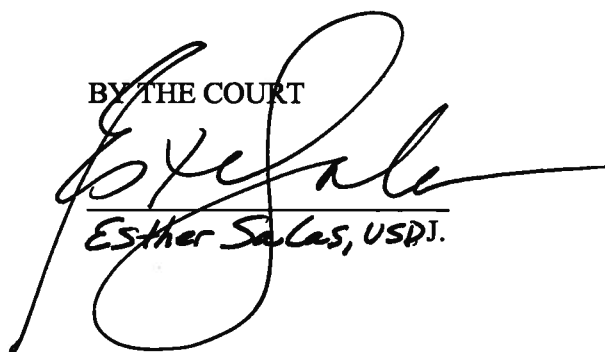
- (a) Using in any manner Plaintiff's name or trademarks and any other term or terms as trademarks and in a manner likely to cause confusion therewith, as Defendant's name, trademark, domain name, directory, or other such computer address, as the name of its website, or in connection with the advertising, promotion, marketing, offering, or rendering of its goods and services; and
- (b) Disseminating, using, or distributing any website pages, advertising, or any other promotional materials bearing names or trademarks that resemble Plaintiff's name or trademarks so as to create a likelihood of confusion, mistake or deception;

It is further Ordered that Defendant be ordered to notify in writing and direct all publishers of directories or lists, including Internet search engines, in which Defendant's use of "POWER" appears, including sponsored links or banner ads, to cancel all accounts, advertisements and references using Plaintiff's name or trademark or any name or mark confusingly similar thereto.

It is further Ordered that Defendant file with the Court and serve upon Plaintiff's counsel within thirty (30) days after entry of Judgment a report, in writing and under oath, setting forth in detail the manner and form in which the Defendant has complied with the requirements of the Injunction and Order.

And, it is further Ordered that Defendant be required to post any Order of the Court on any website owned or operated by Defendant and give notice thereof to all its correspondents and customers.

BY THE COURT



Esther Salas, USDJ.